

FIRST REGULAR SESSION

# SENATE BILL NO. 44

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Pre-filed December 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0329S.011

## AN ACT

To repeal section 50.565, RSMo, and to enact in lieu thereof one new section relating to the county law enforcement restitution fund, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 50.565, RSMo, is repealed and one new section enacted  
2 in lieu thereof, to be known as section 50.565, to read as follows:

50.565. 1. A county commission may establish by ordinance or order a  
2 fund whose proceeds may be expended only for the purposes provided for in  
3 subsection 3 of this section. The fund shall be designated as a county law  
4 enforcement restitution fund and shall be under the supervision of a board of  
5 trustees consisting of two citizens of the county appointed by the presiding  
6 commissioner of the county, two citizens of the county appointed by the sheriff of  
7 the county, and one citizen of the county appointed by the county coroner or  
8 medical examiner. The citizens so appointed shall not be **current or former**  
9 **county elected officials** or current or former employees of the sheriff's  
10 department, the office of the prosecuting attorney for the county, **the office of**  
11 **the county commissioners**, or the county treasurer's office. If a county does  
12 not have a coroner or medical examiner, the county treasurer shall appoint one  
13 citizen to the board of trustees.

14 2. Money from the county law enforcement restitution fund shall only be  
15 expended upon the approval of a majority of the members of the county law  
16 enforcement restitution fund's board of trustees and only for the purposes  
17 provided for by subsection 3 of this section.

18 3. Money from the county law enforcement restitution fund shall only be  
19 expended for the following purposes:

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

- 20 (1) Narcotics investigation, prevention, and intervention;
- 21 (2) Purchase of law enforcement-related equipment and supplies for the  
22 sheriff's office;
- 23 (3) Matching funds for federal or state law enforcement grants;
- 24 (4) Funding for the reporting of all state and federal crime statistics or  
25 information; and
- 26 (5) Any **county** law enforcement-related expense, including those of the  
27 prosecuting attorney, approved by the board of trustees for the county law  
28 enforcement restitution fund that is reasonably related to investigation, charging,  
29 preparation, trial, and disposition of criminal cases before the courts of the state  
30 of Missouri.
- 31 4. The county commission may not reduce any law enforcement agency's  
32 budget as a result of funds the law enforcement agency receives from the county  
33 law enforcement restitution fund. The restitution fund is to be used only as a  
34 supplement to the law enforcement agency's funding received from other county,  
35 state, or federal funds.
- 36 5. County law enforcement restitution funds shall be audited as are all  
37 other county funds.
- 38 6. No court may order the assessment and payment authorized by this  
39 section if the plea of guilty or the finding of guilt is to [the charge of speeding,  
40 careless and imprudent driving, any charge of violating a traffic control signal or  
41 sign, or] any charge which is a class C misdemeanor or an infraction, **unless**  
42 **such charge is for a moving violation, as defined by section 302.010,**  
43 **RSMo.** No assessment and payment ordered pursuant to this section may exceed  
44 three hundred dollars for any charged offense, **unless the assessment and**  
45 **payment ordered is for a moving violation, in which case, it may not**  
46 **exceed one hundred dollars.**

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